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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI
PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN
PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Afghanistan, Bangladesh, Brunei Darussalam, Comoros, Cuba,
India, Indonesia, Madagascar, Malaysia, Pakistan and
Zambia: revised draft resolution

Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Palestinian
People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and by the principles and provisions of the Universal Declaration of Human Rights, 1/

Aware of the uprising (intifadah) of the Palestinian people since 9 December 1987 against Israeli occupation, which has received significant attention and sympathy from world public opinion,

Deeply concerned at the alarming situation in the Palestinian territory occupied since 1967, including Jerusalem, as well as in the other occupied Arab territories, as a result of their continued occupation by Israel, the occupying Power, and of its persistent policies against the Palestinian people,

1/ Resolution 217 A (III).

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ as well as of other relevant conventions and regulations,

Taking into account the need to consider measures for the impartial protection of the Palestinian people under Israeli occupation,

Recalling the relevant resolutions of the Security Council, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 673 (1990) of 24 October 1990 and 694 (1991) of 24 May 1991,

Recalling specifically Security Council resolution 681 (1990) of 20 December 1990, in which the Council requested in paragraph 6 "the Secretary-General, in cooperation with the International Committee of the Red Cross, to develop further the idea, expressed in his report, of convening a meeting of the High Contracting Parties to the [Fourth Geneva] Convention to discuss possible measures that might be taken by them under the Convention and, for this purpose, to invite the Parties to submit their views on how the idea could contribute to the goals of the Convention, as well as on other relevant matters, and to report thereon to the Council".

Recalling also all its resolutions on the subject, in particular resolutions 32/91 B and C of 13 December 1977, 33/113 C of 18 December 1978, 34/90 A of 12 December 1979, 35/122 C of 11 December 1980, 36/147 C of 16 December 1981, ES-9/1 of 5 February 1982, 37/88 C of 10 December 1982, 38/79 D of 15 December 1983, 39/95 D of 14 December 1984, 40/161 D of 16 December 1985, 41/63 D of 3 December 1986, 42/160 D of 8 December 1987, 43/21 of 3 November 1988, 43/58 A of 6 December 1988, 44/2 of 6 October 1989, 44/48 A of 8 December 1989 and 45/74 A of 11 December 1990,

Recalling further the relevant resolutions adopted by the Commission on Human Rights, in particular its resolutions 1983/1 of 15 February 1983, 3/ 1984/1 of 20 February 1984, 4/ 1985/1 A and B and 1985/2 of 19 February 1985, 5/ 1986/1 A and B and 1986/2 of 20 February 1986, 6/ 1987/1,

2/ United Nations, Treaty Series, vol. 75, No. 973.

3/ See Official Records of the Economic and Social Council, 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

4/ Ibid., 1984, Supplement No. 3 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

5/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

6/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

1987/2 A and B and 1987/4 of 19 February 1987, 7/ 1988/1 A and B and 1988/2 of 15 February 1988 and 1988/3 of 22 February 1988, 8/ 1989/1 of 17 February 1989, 1989/2 of 17 February 1989 and 1989/1^o of 6 March 1989, 9/ 1990/1 of 16 February 1990, 1990/2 of 16 February 1990, 1990/3 of 16 February 1990, 1990/6 of 19 February 1990 10/ and 1991/1 A and B, 1991/3 and 1991/6 of 15 February 1991, 11/

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 12/ which contain, inter alia, self-incriminating public statements made by officials of Israel, the occupying Power,

Having also considered the relevant reports of the Secretary-General, 13/

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Deplores the continued refusal by Israel to allow the Special Committee access to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

3. Demands that Israel allow the Special Committee access to the occupied territories;

4. Reaffirms the fact that occupation itself constitutes a grave violation of the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

7/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

8/ Ibid., 1988, Supplement No. 2 (E/1988/12), chap. II, sect. A.

9/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

10/ Ibid., 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

11/ Ibid., 1991, Supplement No. 2 and corrigendum (E/1991/22 and Corr.1), chap. II, sect. A.

12/ A/46/65, A/46/282 and A/46/522.

13/ S/19443, S/21919 and Corr.1, S/22472 and A/46/521.

5. Condemns the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which the Convention designates as "grave breaches" thereof;

6. Declares once more that Israel's grave breaches of that Convention are war crimes and an affront to humanity;

7. Reaffirms, in accordance with the Convention, that the Israeli military occupation of the Palestinian territory, including Jerusalem, and other Arab territories is of a temporary nature, thus giving no right whatsoever to the occupying Power over the territorial integrity of the occupied territories;

8. Strongly condemns the following Israeli policies and practices:

(a) Annexation of parts of the occupied Palestinian territory, including Jerusalem;

(b) Imposition of Israeli laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory;

(c) Illegal imposition and levy of taxes and dues;

(d) Establishment of new Israeli settlements and expansion of the existing ones on private and public Palestinian and other Arab lands, and transfer of an alien population thereto;

(e) Eviction, deportation, expulsion, displacement and transfer of Palestinians and other Arabs from the occupied territories and denial of their right to return;

(f) Confiscation and expropriation of private and public Palestinian and other Arab property in the occupied territories and all other transactions for the acquisition of land by Israeli authorities, institutions or nationals;

(g) Excavation and transformation of the landscape and the historical, cultural and religious sites, especially at Jerusalem;

(h) Pillaging of archaeological and cultural property;

(i) Destruction and demolition of Palestinian and other Arab houses;

(j) Collective punishment, mass arrests, administrative detention and ill-treatment of Palestinians and other Arabs;

(k) Torture of Palestinians and other Arabs;

(l) Interference with religious freedoms and practices, as well as family rights and customs;

(m) Interference with the system of education and with the social and economic development and health of the Palestinians and other Arabs in the occupied territories;

(n) Interference with the freedom of movement of individuals within the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

(o) Illegal exploitation of the natural wealth, resources and labour of the occupied territories;

9. Also strongly condemns, in particular, the following Israeli policies and practices:

(a) Implementation of an "iron-fist" policy against the Palestinian people in the occupied Palestinian territory;

(b) Escalation of Israeli brutality since the beginning of the uprising (intifadah) on 9 December 1987;

(c) Ill-treatment and torture of children and minors under detention and/or imprisonment;

(d) Closure of headquarters and offices of trade unions and social organizations and harassment of their leaders, including through expulsion, as well as attacks on hospitals and their personnel;

(e) Interference with the freedom of the press, including censorship, detention or expulsion of journalists, closure and suspension of newspapers and magazines, as well as denial of access to international media;

(f) Killing and wounding of defenceless demonstrators;

(g) Breaking of bones and limbs of thousands of civilians;

(h) House and/or town arrests;

(i) Use of toxic gas, which has resulted, inter alia, in the killing of many Palestinians;

10. Condemns the Israeli repression against and closing of the educational institutions in the occupied Syrian Golan, particularly prohibiting Syrian textbooks and the Syrian educational system, preventing Syrian students from pursuing their higher education in Syrian universities, denying the right of return to Syrian students receiving their higher education in the Syrian Arab Republic, forcing Hebrew on Syrian students, imposing courses that promote hatred, prejudice and religious intolerance and dismissing teachers, all in clear violation of the Fourth Geneva Convention;

11. Strongly condemns the arming of Israeli settlers in the occupied territories to perpetrate and commit acts of violence against Palestinians and other Arabs, causing deaths and injuries;

12. Requests the Security Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and to initiate measures to halt Israeli policies and practices in those territories;

13. Urges the Security Council to consider the current situation in the Palestinian territory occupied by Israel since 1967, taking into account the recommendations contained in the reports of the Secretary-General, and with a view to securing international protection for the defenceless Palestinian people until the withdrawal of Israel, the occupying Power, from the occupied Palestinian territory;

14. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or legal status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in those occupied territories constitutes a flagrant violation of the Fourth Geneva Convention and of the relevant resolutions of the United Nations;

15. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 8, 9, 10 and 11 above;

16. Calls upon Israel, the occupying Power, to allow the reopening of the Roman Catholic Medical Facility Hospice at Jerusalem in order to continue to provide needed health and medical services to the Palestinians in the city;

17. Also calls upon Israel, the occupying Power, to take immediate steps for the return of all displaced Arab and Palestinian inhabitants to their homes or former places of residence in the territories occupied by Israel since 1967, in implementation of Security Council resolution 237 (1967) of 14 June 1967;

18. Urges international organizations, including the specialized agencies, in particular the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to continue to examine the educational and health conditions in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

19. Reiterates its call upon all States, in particular those States parties to the Fourth Geneva Convention, in accordance with article 1 of that Convention, and upon international organizations, including the specialized agencies, not to recognize any changes carried out by Israel, the occupying

Power, in the occupied territories and to avoid actions, including those in the field of aid, that might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

20. Urges all the High Contracting Parties to the Fourth Geneva Convention to respond to the inquiry submitted to them by the Secretary-General in accordance with paragraph 6 of Security Council resolution 681 (1990) of 20 December 1990;

21. Requests the Special Committee, pending early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

22. Also requests the Special Committee to submit regularly periodic reports to the Secretary-General on the present situation in the occupied Palestinian territory;

23. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

24. Condemns Israel's refusal to permit persons from the occupied Palestinian territory to appear as witnesses before the Special Committee and to participate in conferences and meetings held outside the occupied Palestinian territory;

25. Condemns Israel's latest attack against the Sharia Islamic Court in occupied Jerusalem on 18 November 1991, when Israeli forces took away important documents and papers;

26. Demands that Israel, the occupying Power, return immediately all documents and papers that were taken away from the Sharia Islamic Court in occupied Jerusalem, to the officials of the said Court;

27. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly and periodically the reports mentioned in paragraph 21 above to the States Members of the United Nations;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its forty-seventh session on the tasks entrusted to him in the present resolution;

28. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".
